

REMARKS/ARGUMENTS

Favorable consideration of this application is respectfully requested. Applicant has rewritten claims 1-3, 8, 9, 14, 16, 20, canceled claims 4, 5, 10, 11, 15, 17, 18, 19 and added new claims 21-29. Favorable reconsideration of this application is, consequently, earnestly solicited in view of the following remarks.

Applicant has submitted formal drawings with the amendment response. Removal of the drawing objection is respectfully requested.

Applicant has reviewed the specification, and has not found any clearly minor errors. Applicant would appreciate the examiner pointing out any objected to minor errors in the specification for correction.

Claims 1-2, 5 and 7-10 were rejected under sec. 102a as being anticipated by Bidz. The Bidz reference shows menu pages that a user must navigate through where each menu page has various combinations of vertical columns, horizontal listings, and combinations thereof, etc., that clearly make this web site both difficult and impractical to navigate through.

Subject independent claim 1 of the subject invention and dependent claims 3 and 8 have been amended to more clearly set forth novel features of the subject invention of listing information in single vertical columns on subsequent menu pages, and going through those single column lists by scrolling down the lists. Dependent claim 3 further claims using handheld devices having small screens for viewing the single column lists, which is benefit of the subject invention. The subject invention encompasses a web site allowing user to view information in a "fluidity of taxonomy" that describes and shows these novel features and their benefits on in at least subject invention figures 5-12, and on

at least pages 5, 6, 10, 20. Clearly, these novel features are not described, taught, nor shown by Bidz. Thus, removal of this reference is respectfully requested.

Dependent claim 9, and newly added claim 23 claims the novel benefits of allowing the end-user to the web site invention "filtering and sorting" the finite end list, which clearly not described, taught nor suggested in Bidz. The subject invention describes and shows these novel features and their benefits on in at least subject invention fig. 13, and on at least pages 4 and 21 of the subject invention specification. Thus, removal of this reference is respectfully requested.

Dependent claims 14, 16, and newly added claims 24, 25 claims the novel benefits of "instant(ly) notification(ifying)" to buyers which can immediately notify buyers through email, PDAs. Pagers, cell phones, which clearly not described, taught nor suggested in Bidz. The subject invention describes and shows these novel features and their benefits on at least pages 4-6, 19 and 20 of the subject invention specification. Thus, removal of this reference is respectfully requested.

Newly added claims 20-22 claims the novel benefits of allowing the end-user to control the headings, categories and subcategories through a controller id function so that end-users can modify the menu pages of the web site, which is clearly not described, taught nor suggested in Bidz. The subject invention describes and shows these novel features and their benefits on in at least pages 9-11 of the subject invention specification. Thus, removal of this reference is respectfully requested.

Newly added claims 26-27 claims the novel benefits of allowing the end-user to pass through several menu pages and not have to physically enter information for a seller advertisement or a desired interest by a buyer, since the invention automatically fills in

information based on the end-user having reached a selected menu page , which clearly not described, taught nor suggested in Bidz. The subject invention describes and shows these novel features and their benefits on in at least subject invention Figures 16, 30, and on at least pages 11 and 23 of the subject invention specification. Thus, removal of this reference is respectfully requested.

Newly added claims 28-29 claims the novel benefits of allowing the clients to the web site invention to selectively determine specific menu pages for placing banner ads which clearly not described, taught nor suggested in Bidz. The subject invention describes and shows these novel features and their benefits on in at least subject invention on pages 21-22 of the subject invention specification. Thus, removal of this reference is respectfully requested.

Claims 3-4 and 6 were rejected under sec. 103 as being unpatentable over Bidz. The rejection of claims 3-4 is now moot since claim 4 was canceled and claim 3 was amended. Applicant disagrees with the broad unsupported statements that “it would have been obvious to one of ordinary skill in the art....to have provided any type of selection means.....(and) It would have been obvious....to have provided various category headings including agriculture, aircraft, antiques.....” in “Bidz....”

It is clearly improper for the examiner to arbitrarily ignore any of the novel features of any of the claims. Under the rules of the MPEP, if the applicant requests the examiner cite the reference(s) showing each and every one of the references that supports a rejection, the examiner must cite the reference or remove the rejection. Under MPEP 706.02 and 37 C.F.R. 1.107(b), applicant requests the examiner specifically point out which uncited reference(s) describes and teaches these unsubstantiated opinions and

assertions raised in the rejection that the entire invention is obvious under sec. 103.

Under the MPEP and CFR sections cited above, the examiner must cite the reference(s) that shows these unsubstantiated opinions and assertions mentioned in their rejection, or remove the 103 rejection for at least these reasons alone.

The mere fact that someone in the art can rearrange parts of a reference device to meet the terms of a claim is not by itself sufficient to support a finding of obviousness. The prior art must provide a motivation or reason for someone of ordinary skill in the art, without the benefit of the inventor's specification to make the necessary changes in the reference device. Ex parte Chicago Rawhide Mfg. Co., 223 USPQ 351, 353 (Bd. Pat. App. & Inter. 1984).

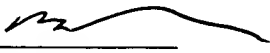
There is no teaching, nor suggestion for modifying the references of record to include all the novel features of the amended claims. Under well recognized rules of the MPEP (for example, section 706.02(j)), the teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure. In re Vaeck, 947 F.2d 488, 20 USPQ2d 1438(Fed. Cir. 1991).

Applicant contends the references cannot be modified to incorporate the features of subject claims without utilizing Applicant's disclosure. The courts have consistently held that obviousness cannot be established by combining the teachings of the prior art to Applicant to produce the claimed invention, absent some teaching, suggestion, incentive or motivation supporting the combination.

The remaining references to Hennessey, Wolfe, and Woolston, cited but not applied fail to overcome the deficiencies to Bidz described above.

In view of the foregoing considerations, it is respectfully urged that claims 1-3, 6-9, 12-14, 16 and 20-29 be allowed. Such action is respectfully requested. If the Examiner believes that an interview would be helpful, the Examiner is requested to contact the attorney at the below listed number.

Respectfully Submitted;



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